THE
Dan Smoot Report

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DAN SMOOT

If The House Elects A President . . .

House minority leader Gerald Ford (Michigan Republican) says there is a 50-50 chance that George Wallace will get enough electoral votes to keep either Richard Nixon or Hubert Humphrey from being elected. He pleads with voters to "stay in the framework of the two-party system" this year, warning them that their votes will be "wasted" if cast for the third party (American Independent Party) candidate, George Wallace.

Republicans and Democrats alike talk about the "two-party system" as if it were a constitutional, sacred, and necessary part of our governmental establishment. But there is no constitutional basis for political parties in the United States. Political parties developed after the Constitution was adopted. The most notable of the Founding Fathers, George Washington, despised political parties, and warned the nation against permitting them to control the political life of the nation. Washington feared that when the party spirit developed, politicians would put party interests above national interests; and that elections would become bitter, partisan struggles for power rather than a political process by which the people selected the officials of their choice.

Democrats and Republicans give the "two-party" system credit for the stability of the American government and for the growth and progress of the nation. Yet, it is not political parties but the Constitution that gives our federal government stability. Parliamentary governments of Europe rise or fall as the fortunes of political parties ascend or descend; but our government is designed to operate according to the fixed terms of a contract (the Constitution) which the people ordained. No matter what wild passions may rack the nation, an American administration continues to the end of its contractual term; and another succeeds it in orderly fashion. Political parties have nothing to do with this stability and orderly change. In our constitutional system, it would not matter if the President belonged to one political party and the 535 members of Congress belonged to 535 different parties. The legitimate functions

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of government would continue, because they are limited and specified by the Constitution.

It was not political parties but the Constitution that enabled Americans to convert a wilderness into the most powerful nation on earth. Our growth and prosperity would have been even more spectacular if it had not been for the machinations of political parties — manipulating the policies of government, in violation of the Constitution, to embark on programs that garner votes for the parties. These machinations of the political parties have needlessly involved us in wars; have burdened our economy with excessive taxation and stifling controls; have eliminated many of our constitutionally guaranteed freedoms.

Instead of attributing America's material growth and political stability to the Democrat and Republican parties, it would be more accurate to say that, because of the Constitution, America has enjoyed an unusual measure of stability and progress in spite of the political parties.

Political parties developed as a convenience to assist the people in the political process of choosing elected officials. But when political parties are so long entrenched in power that they monopolize the political process, they become a major threat to the liberties of the people. The strangle hold of the old parties should be broken. New parties should arise. When the new parties themselves become so old and entrenched that they monopolize the political process, they too should be replaced.

The need for uprooting entrenched political power is very great in a nation controlled by a one-party system. And that is actually what we have in the United States, despite all the talk about our two-party system. Since the 1930's, the two major parties, Democrats and Republicans, have gradually adopted the policies of the Socialist Party. This is why the Socialist Party went out of existence as a political entity. Norman Thomas (who used to be the Socialist Party candidate for President in every presidential election) announced many years ago that he had quit running because he no longer needed to run: the Democrats and Republicans had adopted all of his proposals. Now, the two major parties, though still calling themselves Democrats and Republicans, are actually rival factions of the same political group which should be called the Socialist Party.

The major importance of George Wallace's campaign in 1968 is that he does pose a major threat to the socialist power-combine which is called a "two-party system" and which bears the labels of Democrat Party and Republican Party.

Most pollsters, political analysts, and leading politicans (of all shades of political opinion) believe that George Wallace will at least throw the election into the House of Representatives this year. Republicans fear that the House will select Hubert Humphrey, because Democrats control the House.

This fear is a major reason why many conservatives are supporting Richard Nixon, though they would prefer George Wallace if they thought he had a chance to win. The Republicans' most effective slogan among conservatives this year is "a vote for Wallace is a vote for Humphrey."

Yet, the very Republican leaders who argue that a "vote for Wallace is a vote for Humphrey" belie their own slogan by acknowledging that Wallace is cutting more deeply into Democrat political strongholds than into Republican. In the South, Wallace will get many votes that would go to Nixon if voters had to make a choice between Nixon and Humphrey. But in the North, Wallace will get even more votes that would go to Humphrey if voters had to make a choice between Humphrey and Nixon. There are millions of laboring people (union members and otherwise) in the industrial centers of the North who will not vote Republican because they have thoroughly absorbed the false propaganda that the Republican Party represents only the wealthy, the management class, the employers. These same people, however, are sick and tired of Democrat administrations. They are even more determined to get a change in Washington than most businessmen are. Wallace gives them the choice they want. They are climbing on his bandwagon in huge numbers.

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Actually, if the Wallace ground swell continues to grow (at the rate of the past three weeks as the public watches Nixon and Humphrey vacillating on all important issues) Wallace will win. And a vote for Wallace will be a vote for the next President.

But, setting aside the consideration that Wallace can acually win, let us assume that, at most, Wallace will carry enough states to keep either Nixon or Humphrey from getting a majority (270) of the electoral college votes (538 in all). What will happen then?

The Constitution requires that members of the electoral college meet in their respective states and cast their ballots for President and Vice President, and transmit the results of their voting, sealed and certified, to the President of the United States Senate. The President of the Senate, in the presence of both Houses of Congress, opens and counts the electoral college votes.

The Constitution does not specify *when* the members of the electoral college meet to vote. Congress, by law, has fixed that date on the second Monday following the first Wednesday in the month of December — this year, December 16.

Congress is not normally in session in mid-December. In a normal presidential election year, therefore, the sealed lists of electoral college votes sent to the presiding officer of the Senate on December 16 remain unopened until January 3 of the following year, that being the day when the newly-elected Congress is required by the Constitution to convene.

If Wallace does not win the election but succeeds in deadlocking the electoral college vote, the deadlock will be known when the popular vote is counted on the evening of November 5; but the deadlock will not really occur until *after* December 16 when the electoral college votes are opened and counted by Congress.

Which Congress will open and count those votes and then elect the next President — the present Congress which is in existence until January 3, 1969; or, the new Congress, which begins on January 3? The Constitution does not answer this question. The matter will rest in the hands of President Johnson.

President Johnson can call the present Congress back into special session following the electoral college voting on December 16 and thus give the *present* House of Representatives the job of electing the next President.

In electing a President, the House votes by state delegations, each state having one vote. A majority of states (26) is necessary for election. In the present House, Democrats control 29 states; Republicans control 18 states; Republican and Democrat representatives are tied in 3 states (Illinois, Montana, Oregon). Thus, a *party-line* vote in the present House would give the election to Humphrey.

But such a party-line vote in the present House is most unlikely. It would be an extreme improbability if George Wallace gets a huge popular vote in November. Fifteen of the 29 states whose delegations in the House are presently controlled by Democrats are border states and southern states where the mass of voters (according to all polls and signs) are distinctly anti-Humphrey. A majority of U.S. Representatives from those 15 states are also anti-Humphrey.

If George Wallace carries 8 of those 15 states, their House delegations will probably vote against Humphrey — to keep from committing political suicide in their own states, if for no other reason. That would give Nixon 26 votes in the House — enough to win.

If President Johnson does not call the present Congress into special session following a deadlocked electoral college vote on December 16, then the new House of Representatives (the one we elect this year) will select the next President.

Republicans can easily capture control of a majority of state delegations in the House this year, if they will stop campaigning against George Wallace and start campaigning on the issues — or, at least, start campaigning against their Democrat rivals.

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The most important vote you cast this year may be your vote for the person who will represent your district in the U.S. House of Representatives. See that he commits himself not to vote for Humphrey if the presidential election goes to the House. A switch of only 13 House seats (from Democrat to Republican: 3 in California, 2 in Colorado, 1 in Illinois, 1 in Kentucky, 2 in Maryland, 1 in Montana, 2 in Oklahoma, 1 in Oregon) could give Republicans control of 26 House delegations.

Before committing himself to a race to the end, George Wallace said he would withdraw if the Republicans adopted a platform and nominated a candidate in 1968 that would really give the people a change from the Johnson-Humphrey administration. When he concluded that there would not be a "dime's worth of difference" between Democrat and Republican presidential candidates and platforms, he was in to the finish, to give the people a choice.

From the beginning, Wallace has predicted that the election will *not* be decided in the House. If he should succeed only in deadlocking the electoral college, he will try to break the deadlock by bowing out and asking his electors to vote for the candidate who will, at that time, commit himself to certain basic Wallace positions. That candidate is bound to be Nixon. Humphrey is a dedicated socialist who — however much lip service he may pay to "free enterprise" — will never support anything basically different from the socialist programs the two major parties have sponsored for a generation. Nixon supports the same socialist programs; but Nixon is a political weathervane, astute enough to yield if he sees the winds of public opinion blowing in another direction.

In short, if George Wallace deadlocks the electoral college this year, Nixon, in all probability, will be chosen the next President — whether the election goes to the present House or to the new House, or is resolved by compromise in the electoral college.

But Wallace is not running just to harass and influence the old parties. He is running to win. In light of the fantastic growth of his grassroots support, the argument that "Wallace can't win" is now manifestly unsound.

At present, the presidential race is clearly between George Wallace and Richard Nixon. Wallace will either win or deadlock the electoral college and thus throw the race to Nixon. If Wallace were not running, Humphrey would probably squeak through to victory as Kennedy did in 1960, because of the millions of Democrats who want a change but cannot bring themselves to vote Republican. If the unexpected should happen — that is, if Humphrey should win — it will not be because of Wallace. It will be because Republicans scared away a significant number of Wallace votes with the argument that a vote for Wallace is a wasted vote or a vote for Humphrey — and because Republicans offered no real change.

Wallace has already "shaken the eye teeth" of the old parties, forcing both of them to make gestures toward conservative positions, especially on the issue of law and order. If he wins, he will have uprooted the entrenched political-power system. If he succeeds only in throwing the race to Nixon, he will force a political realignment that the country sorely needs: liberals gravitating into one party, conservatives into another, producing a two-party system which will give the people a clear-cut choice in major elections between constitutional government and socialism.

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